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ABSTRACT

Designed to assist service providers as they strive to provide a full service goal for all handicapped pupils, this manual consists of checklists for monitoring compliance with Public Law 94-142 (Education for All Handicapped Children Act). Checklists of components in general policy areas are: (1) policy requirements (LEAs - Local Educational Agencies); (2) verification of annual child count; (3) program entry; (4) individualized education programs; and (5) policy requirements (SOPs - State Operated Programs). Supplementary worksheets, also in the checklist format, are provided to give LEAs and SOPs a detailed and itemized description of the specific policy components which should be addressed under each of the general policy areas. The worksheets are designed to assist the LEAs and SOPs in the development of comprehensive policies/procedures and to enable the State Educational Agency (SEA) monitoring team to conduct a thorough review of the policies established. The four worksheets pertain to due process hearings, procedural safeguards, confidentiality, and least restrictive environment. (JH)

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INTRODUCTION

The State Educational Agency is required to ensure that all components of Public Law 94-142, Education of All Handicapped Children Act, are adhered to regardless of the agency providing, or delivering, the service as mandated in §612(6) of Public Law 94-142. The State Superintendent of Education is required to withhold EHA-B funds if he finds that there is a failure to comply substantially with any provisions of the statute. Under Section 504 of the Rehabilitation Act of 1973 as amended by Public Law 93-112 and 93-516, however, the Office of Civil Rights may require the withholding of all federal funds when discrimination against the handicapped occurs.

The State Department of Education, Office of Programs for the Handicapped, sincerely hopes that it will never be necessary to exercise such sanctions, and, surely, resolution can be reached before such a step would have to be taken. The objective of this office shall be to help districts stay in compliance so that handicapped children can be assured of an appropriate education.

This manual is designed to assist service providers as they strive to provide a full service goal for all handicapped pupils.

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POLICY REQUIREMENTS

State Department of Education
Office of Programs for the Handicapped

School District _____

Date Monitored _____

Monitoring Team Members _____ (Chairperson)

_____

_____

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All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 — Tuesday, August 23, 1977).

	YES	NO
1. There is written evidence that the LEA maintains an effective Child Find Program for all handicapping conditions which includes the following components:		
(a) The LEA has written policies/procedures which insure that all handicapped children (birth through twenty-one (21) years of age) in each area of disability who are referred through community/school search efforts are located, identified, and evaluated. Reference: §300.220	☐	☐
(b) The LEA conducts on-going community awareness activities to locate, identify and evaluate all handicapped children. Reference: §300.220 (Documentation may include: correspondence directed to state, community, and private agencies; correspondence directed to local physicians, clergymen, and directors of nursery schools, head start programs, private/parochial schools, day care centers, etc; newspaper, TV, and radio announcements; brochures and posters; presentations at various community meetings; etc.).	☐	☐
(c) The LEA conducts on-going school awareness activities to locate, identify and evaluate all handicapped children. Reference: §300.220 (Documentation may include evidence that the following activities were conducted: dissemination of observable signs of handicapping conditions to appropriate school personnel; reviewing pupil records; conducting inservice training; establishing effective referral procedures for children suspected of being handicapped; etc.).	☐	☐
(d) The LEA conducts screening and evaluation of its preschool and school-aged population to determine which children may be handicapped and require programs of special education and related services. Reference: §300.220 (Documentation may include: announcements of screening/evaluation clinics scheduled; dated listing of children screened/evaluated; written reports from sources where children were referred for evaluation; etc.).	☐	☐
2. The LEA maintains dated documentation (newspaper/radio/TV announcements, letters to parents, announcements at PTA/PTO meetings, etc.) that the application for P.L. 94-142 funds and all related documents have been made available to parents and the general public. Reference: P.L. 94-142 §614(a)(4)	☐	☐
3. There is written evidence (hearing aid checklist for routine monitoring, schedule for periodic accoustic analysis, audiological reports, etc.) that the LEA has established/implemented procedures to insure that the hearing aids worn by hearing handicapped pupils are functioning properly. Reference: §300.303	☐	☐
4. There is evidence (class membership rolls, class schedule cards, etc.) that handicapped children have available to them the variety of educational programs/services available to non-handicapped children including art, music, industrial arts, home economics, agriculture/horticulture, consumer education, and vocational education. Reference: §300.305	☐	☐

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	YES	NO
5. There is written evidence (class schedule cards, club membership rolls, class/school calendars, athletic team rosters, correspondence/reports, etc.) that the LEA has taken steps to provide nonacademic and extracurricular services/activities to handicapped pupils to afford them an equal opportunity for participation in those services. (Such services may include counseling services, athletics, transportation, health services, recreational activities, field trips, special interest groups or clubs sponsored by the LEA, referral to agencies which provide assistance to handicapped persons, employment by the LEA, and assistance in making employment available outside the LEA). Reference: §300.306	☐	☐
6. The LEA has developed written policies/procedures which insure that handicapped pupils are reevaluated more frequently than the required three (3) year intervals if conditions warrant or if the pupil's parent or teacher requests an evaluation. Reference: §300.534(b)	☐	☐
7. The LEA has developed written policies/procedures for conducting impartial due process hearings. (Refer to Supplementary Worksheet A). Reference: §300.506	☐	☐
8. The LEA transmits findings and decisions of due process hearings (after deleting personally identifiable information) to the Office of Programs for the Handicapped for transmission to the Advisory Committee. Reference: §300.508(a)(5)	☐	☐
9. The LEA maintains:		
(a) a list of persons serving as local hearing officers;	☐	☐
(b) a statement of the qualifications of each person serving as a local hearing officer. Reference: §300.507(c)	☐	☐
10. The LEA has developed written policies/procedures which insure that procedural safeguards are operative to protect the rights of handicapped children. (Refer to Supplementary Worksheet B). Reference: §300.501	☐	☐
11. The LEA has developed written policies/procedures for assigning an individual to act as a surrogate parent including:		
(a) the determination of need for a surrogate parent;	☐	☐
(b) the actual assignment of a surrogate parent. Reference: §300.514(b)	☐	☐

	YES	NO
12. The LEA has developed written policies/procedures to insure that surrogate parents meet the following qualifications:		
(a) be adults with no vested interest that would conflict with their primary allegiance to the child they represent;	☐	☐
(b) be thoroughly acquainted with the child's educational needs;	☐	☐
(c) possess an understanding of the cultural and linguistic background of the children they represent;	☐	☐
(d) not be an employee of the LEA/agency involved in the education or care of the child. Reference: §300.514(c)	☐	☐
13. The LEA maintains a registry of eligible persons to serve as surrogate parents. Reference: State Board of Education Regulations.	☐	☐
14. The LEA has developed written policies/procedures regarding the maintenance of confidentiality. (Refer to Supplementary Worksheet C). Reference: §99.5 of Section 438 of General Provisions Act as amended by P.L. 93-380.	☐	☐
15. The LEA has developed written policies/procedures to insure, that to the maximum extent possible, handicapped children are educated in the least restrictive environment. (Refer to Supplementary Worksheet D.) Reference: §300.550-552, §300.227	☐	☐
16. There is evidence (minutes of meetings, correspondence, etc.) that the LEA has consulted with appropriate representatives of private schools located within the geographical boundaries of the school district in an effort to make special education and related services available to private school handicapped children. Reference: EDGAR §100b.652	☐	☐
17. There is evidence (correspondence, written agreements with private schools, etc.) that the LEA's consultation with representatives of private schools included consideration of the following matters in accordance with EDGAR §100b.652, *Federal Register*, April 3, 1980:		
(a) which students will participate in the special education and related services provided by the LEA; Reference: §100.652(a)(1)	☐	☐

	YES	NO
(b) how the students' needs will be identified; Reference: §100.652(a)(2)	☐	☐
(c) what type of benefits/services will be provided: Reference: §100b.652(a)(3)	☐	☐
(d) how the services will be provided; Reference: §100b.652(a)(4)	☐	☐
(e) how the effectiveness of the project (services) will be evaluated. Reference: §100b.652(a)(5)	☐	☐
18. The LEA maintains equipment records/lists which include the following information:		
(a) a description of the equipment, including manufacturer's model number, if any;	☐	☐
(b) an identification number, such as the manufacturer's serial number;	☐	☐
(c) identification of the grant under which the recipient acquired the equipment;	☐	☐
(d) the information needed to calculate the Federal share of the equipment;	☐	☐
(e) acquisition date and unit acquisition cost;	☐	☐
(f) location, use, and condition of the equipment and the date the information was reported;	☐	☐
(g) all pertinent information on the ultimate transfer, replacement, or disposition of the equipment. Reference: EDGAR §74.140(a)(1)-(7)	☐	☐
19. The LEA has written documentation (inventory form, etc.) that a physical inventory is conducted at least every two (2) years to verify the existence, current utilization, and continued need for equipment. Reference: EDGAR §74.140(b)	☐	☐
20. Equipment purchased by the LEA must be properly labeled/identified to indicate the date and financial resources for its purchase. Reference: EDGAR §74.131	☐	☐

COMMENTS:

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VERIFICATION OF ANNUAL CHILD COUNT

State Department of Education
Office of Programs for the Handicapped

	YES	NO
Documentation (typed list of pupils counted for the previous December 1 Annual Child Count, class rolls with clear indication of pupils counted for the previous December 1 Annual Child Count, etc.) is available to substantiate the accuracy of the count. Reference: §613(a)(5)	☐	☐

LEA/SOP December 1 Count _____

COMMENTS:

PROGRAM ENTRY

State Department of Education
Office of Programs for the Handicapped

School District/Agency _____

Date Monitored _____

Monitoring Team Members _____ (Chairperson)

_____

_____

_____

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 — Tuesday, August 23, 1977).

Total Number of Pupils Monitored ☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. The LEA maintains Placement Forms on handicapped pupils in accordance with State Board of Education regulations:			
(a) Placement Forms are signed by appropriate LEA official;	☐	☐	☐
(b) All components on Placement Forms are addressed and completed appropriately. Reference: *Procedures for Survey, Screening, Evaluation, Placement and Dismissal of Children Into/Out of Programs for the Handicapped.*	☐	☐	☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
2. The LEA maintains documentation (Placement Form, listing of pupils specifying dates and types of screening conducted, etc.) that pupils have received initial screening as required by State Board of Education regulations for each area of handicapping condition. Reference: §300.532(f), §300.530	☐	☐	☐
*3. Biographical, social and cultural background data (written report, completed social history form, etc.) has been obtained for the pupils in accordance with State Board of Education regulations of July 1, 1976. Reference: §300.530	☐	☐	☐

13

14

*Not applicable for speech/language handicapped pupils.

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
4. Pupil records (Placement Form, evaluation reports, test protocols, etc.) verify that the required number/type of evaluation instruments have been administered in accordance with State Board of Education regulations. Reference: §300.530, §300.532			
5. Pupil records verify that the current reevaluation was completed within three years of the initial evaluation or of the previous reevaluation. Reference: §300.534(b)			
*6. Documentation exists to verify that evaluation instruments of intellectual functioning are adminstered by State Department of Education certificated personnel. (Documentation must be available to verify that psychological reports were administered/accepted by a Level II or Level III State Department of Education certificated psychologist.) Reference: §300.532(a)(3), §300.12			
*7. Pupil records (evaluation reports, Placement Form, test protocols, etc.) indicate that pupils were evaluated by a multidisciplinary team including at least one teacher or other specialist with knowledge in the area of the pupil's handicap. Reference: §300.532(e)			
8. Pupil records (Placement Form, evaluation reports, minutes of staffing/placement meeting, etc.) indicate that evaluation instruments have been administered to pupils prior to the date of placement in special education. Reference: §300.531			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
*9. Documentation (listing of IEP participants, minutes of staffing/placement meeting, etc.) is available to verify that placement decisions have been made by a group of persons including those knowledgeable relative to the meaning of the evaluation data and the available placement options. Reference: §300.533(a)(3)			
*10. Written evidence (signed and dated parental consent forms) indicates that parental consent for evaluation has been obtained prior to the date of initial evaluation of the pupils. Reference: §300.504(b)(i)			
11. Written evidence (signed and dated parental consent forms) indicates that parental consent for placement has been obtained prior to the initial placement of the pupils in special education in accordance with State Board of Education regulations of July 1, 1976. Reference: §300.504(b)(ii)			
12. Documentation (written notice, correspondence, signed receipts, mailing list of parent handbook recipients, etc.) is available to demonstrate that the LEA has informed parents of their rights relative to procedural safeguards. Reference: §300.500-593			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
THE FOLLOWING REQUIREMENTS ARE APPLICABLE FOR LEARNING DISABLED PUPILS ONLY:			
13. Pupil records (evaluation reports, list of staffing committee members, etc.) demonstrate that the learning disabled pupil was evaluated by additional team members to include the pupil's regular teacher and at least one (1) additional person qualified to conduct an individual diagnostic examination. Reference: §300.540, §300.532(e)			
14. Documentation (completed behavioral checklist, written report, etc.) exists to verify that at least one (1) team member, other than the pupil's regular teacher, observed the pupil in the regular classroom setting prior to the date of placement in a special education program. Reference: §300.542			
15. Pupil records (Placement Form, screening results, evaluation reports, social history, etc.) document that the pupil's severe discrepancy between ability and achievement is not primarily the result of the following factors:			
(a) visual handicap;			
(b) hearing handicap;			
(c) motor handicap;			
(d) mental retardation;			
(e) emotional disturbance;			
(f) environmental, economic or cultural disadvantage. Reference: §300.541(b)			
16. The LEA maintains a written report prepared by the multi-disciplinary team which describes the results of the evaluation conducted on the learning disabled pupil. Reference: §300.543			
(a) The report includes a statement of whether the pupil has a specific learning disability. Reference: §300.543(a)(1)			
(b) The report includes documentation (test results) regarding the basis for making such a determination. Reference: §300.543(a)(2)			
(c) The report includes a description of relevant behavior noted during observation of the pupil and the relationship of that behavior to the pupil's academic functioning. Reference: §300.543(b)(3)(4)			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
(d) When applicable, the report relates to educationally relevant medical findings. Reference: §300.543(b)(5)			
(e) The report includes a statement that the severe discrepancy between achievement and ability is not correctable without special education and related services. Reference: §300.543(b)(6)			
(f) The report includes a statement relating to the effects of environmental disadvantage as determined by the team. Reference: §300.543(b)(7)			
(g) Each team member certifies in writing whether the report reflected his or her conclusion. Reference: §300.543(c)			

COMMENTS:

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INDIVIDUALIZED EDUCATION PROGRAMS

State Department of Education
Office of Programs for the Handicapped

School District/Agency _____

Monitoring Team Members _____ (Chairperson)

_____

_____

_____

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 — Tuesday, August 23, 1977, and *Federal Register*, Volume 46, Number 12, January 19, 1981).

Total Number of Pupils Monitored ☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. There is written evidence (copies of correspondence to parents, etc.) that parents were invited to attend/participate in the development of the IEP. Reference: §300.345(a)(b)	☐	☐	☐
2. There is written evidence (copies of correspondence to parents, etc.) that parents were notified regarding the following rights/information relative to the development/annual review of their child's IEP:	☐	☐	☐
(a) purpose of the IEP meeting; Reference: §300.345(b)	☐	☐	☐
(b) time and location of the IEP meeting; Reference: §300.345(b)	☐	☐	☐
(c) participants who will be in attendance at the IEP meeting; Reference: §300.345(b)	☐	☐	☐
(d) determining the parent's intention to attend/not attend the IEP meeting, as scheduled; Reference: §300.345(c)(d)	☐	☐	☐
(e) informing parents of their right to reschedule the IEP meeting at a mutually agreed on time and location; Reference: §300.345(d)	☐	☐	☐
(f) informing parents of their right to have their child participate in the IEP meeting; Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.	☐	☐	☐

*Not applicable for pupils whose sole handicap is a speech-language impairment.

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
3. In cases where parents were not in attendance at the IEP meeting, the LEA has records of its attempts to arrange a mutually agreed on time and location for an alternative IEP meeting. (Documentation may include: detailed records of telephone calls and results, copies of correspondence sent to parents and responses, records of visits to home or place of employment and results of visits, etc.) Reference: §300.345(d)			
4. There is evidence (determining the date of the IEP meeting in comparison to the date of placement) that the IEP was in effect prior to placement of the handicapped child into a program of special education and related services. Reference: §300.342(b)(1)			
5. There is evidence (copy of last year's IEP, date of most recent IEP meeting, etc.) that the IEP has been reviewed and revised, if appropriate, at least annually. Reference: §300.343(d)			
6. It is documented (signatures on IEP, list of IEP participants, etc.) that all required participants involved in the IEP planning meeting. Note: if the child's handicap is a speech/language impairment, the "teacher" may be the speech/language clinician; however, other teachers may also attend the meeting. Reference: §300.344			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
7. The following components are included in the IEP. Reference: §300a.346			
(a) statement of the child's present level of educational performance;			
(b) statement of annual goals;			
(c) short-term objectives;			
(d) statement of the specific special education to be provided to the child;			
(e) statement of related services to be provided to the child;			
(f) statement of the extent to which the child will be able to participate in the regular educational program;			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
(g) The projected date for the initiation of services (date IEP is to be implemented);			
(h) the anticipated duration of services (date IEP is to be completed);			
(i) appropriate objective criteria for determining whether the short-term instructional objectives are being achieved;			
(j) dates for determining whether short-term instructional objectives are being achieved;			
(k) appropriate evaluation procedures for determining whether the short-term instructional objectives are being achieved;			
(l) statement of the physical education activities to be provided (regular P.E., adapted P.E., specially designed P.E., P.E. in a special setting) Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976,* Volume 24.			
*8. In cases where the child requires specially designed P.E., specific short-term objectives were included in the IEP. Reference: §300.307 (a); §300.14(a)(1)			
*9. The IEP documents whether or not the student will participate in vocational education. Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976,* Volume 24.			

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	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
*10. If specially designed vocational education is specified, objectives are set forth within the IEP. Reference: §300.305; §300.14(a)(3)			

THE FOLLOWING REQUIREMENTS ARE APPLICABLE ONLY FOR HANDICAPPED CHILDREN PLACED IN A PRIVATE SCHOOL BY THE LEA:

11. There is written evidence that a meeting was held regarding the IEP for each handicapped child placed in a private school by the LEA within thirty (30) days of determination that the pupil needs special education and related services. Reference: §300.347			
12. There is evidence (correspondence, telephone logs, etc.) that the LEA insures that the parents, a private school representative and a LEA representative are involved in the development, review, and revision of the IEP for each handicapped pupil placed in a private school by the LEA. Reference: §300.347			
13. In cases where a child is enrolled in a private or parochial school and participates in special education and related services provided by the LEA, there is evidence (correspondence, telephone logs, etc.) that the LEA insures participation by a representative of the private or parochial school in the development, review and revision of the child's IEP. Reference: §300.348(b)			

COMMENTS:

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POLICY REQUIREMENTS
STATE OPERATED PROGRAMS

State Department of Education
Office of Programs for the Handicapped

Agency _____

Date Monitored _____

Monitoring Team Members _____ (Chairperson)

_____

_____

_____

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 — Tuesday, August 23, 1977).

	YES	NO
1. The SOP has written procedures to document that the agency has established and implemented a goal of providing full educational opportunity to all handicapped children in the area served by the SOP. Reference: §300.304	☐	☐
2. The SOP has written procedures to insure that testing and evaluation materials and procedures are selected and administered so as not to be racially or culturally discriminatory. Reference: §300.530(b)	☐	☐
3. The SOP has written procedures to insure that handicapped children shall be reevaluated more frequently than the required three (3) year intervals if conditions warrant or if the child's parent or teacher requests an evaluation. Reference: §300.534(b)	☐	☐
4. The agency's written evaluation procedures insure that tests and other evaluation materials:		
(a) are administered in the child's native language.	☐	☐
(b) have been validated for the purpose of which they are used;	☐	☐
(c) are administered by trained personnel. Reference: §300.532(a)	☐	☐
5. There are written procedures to insure that the battery of tests administered will include:		
(a) tests designed to assess specific areas of educational need in addition to those tests yielding a single general intelligence quotient;	☐	☐
(b) tests that will accurately reflect the child's aptitude or achievement, if the child has impaired sensory, manual, or speaking skills. Reference: §300.532(b), §300.532(c)	☐	☐
6. It is the written policy of the SOP that no single procedure will be used as the sole criterion for determining an appropriate educational program for a child. Reference: §300.532(d)	☐	☐
7. It is the written policy of the SOP to insure that evaluations are conducted by a multi-disciplinary team. Reference: §300.532(e)	☐	☐
8. There are written procedures to insure that placement decisions are made based upon documented information from a variety of sources (including aptitude, achievement, teacher recommendations, physical condition, social or cultural background, adaptive behavior). Reference: §300.533(a)(1)	☐	☐
9. There is written evidence (hearing aid checklist for routine monitoring, schedule for period acoustic analysis, audiological reports, etc.) that the SOP has established/implemented procedures to insure that the hearing aids worn by hearing handicapped pupils are functioning properly. Reference: §300.303	☐	☐

	YES	NO
10. There is evidence (class membership rolls, class schedule cards, etc.) that the SOP has taken steps to insure that handicapped children have available to them the variety of educational programs/services available to non-handicapped children including art, music, industrial arts, home economics, agriculture/horticulture, consumer education, and vocational education. Reference: §300.305	☐	☐
11. There is written evidence (class schedule cards, club membership rolls, class/school calendars, athletic team rosters, correspondence/reports, etc.) that the SOP has taken steps to provide nonacademic and extracurricular services/activities to handicapped pupils to afford them an equal opportunity for participation in those services. (Such services may include counseling services, athletics, field trips, special interest groups or clubs sponsored by the SOP, referral to agencies which provide assistance to handicapped persons, employment by the SOP, and assistance in making employment available outside the SOP). Reference: §300.306	☐	☐
12. The SOP has developed written procedures for conducting impartial due process hearings which include the following written assurances:		
(a) A parent or SOP may initiate a hearing on any matters concerning the SOP's proposal/refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. Reference: §300.506(a)	☐	☐
(b) Written notice shall be given prior to the hearing to all parties to inform them of the following rights:		
1. to be informed, upon request, of any free or low cost legal services available;	☐	☐
2. to be accompanied and advised by counsel and by individuals with special knowledge or training;	☐	☐
3. to present evidence, confront, cross-examine, and compel the attendance of witnesses;	☐	☐
4. to prohibit the introduction of any evidence not disclosed to the other party at least five (5) days prior to the hearing;	☐	☐
5. to obtain written or electronic verbatim record of the hearing;	☐	☐
6. to have the child present during the hearing;	☐	☐
7. to open the hearing to the public;	☐	☐
8. to have the child remain in the present educational placement during pendency of the proceedings. Reference: §300.506(c), §300.508 and §300.513	☐	☐
(c) Written or electronic verbatim record of the hearing is made. Reference: §300.508(4)	☐	☐
(d) A final decision is reached and mailed to each of the parties within forty-five (45) days after the SOP received the request for a local hearing. Reference: §300.512(a)	☐	☐
13. The SOP transmits findings and decisions of due process hearings (after deleting personally identifiable information) to the Office of Programs for the Handicapped for transmission to the Advisory Committee. Reference: §300.508(5)	☐	☐
14. It is written policy of the SOP to select hearing officers who meet the following qualifications.		
(a) A person serving as a hearing officer must be unbiased toward any party involved in the hearing;	☐	☐
(b) A person serving as a hearing officer must have no personal or professional interest which would conflict with his/her objectivity in the hearing.	☐	☐
(c) A person serving as a hearing officer must not be an officer, agent, school board official or an employee of a public agency (including the State Department of Education) which is involved in the education or care of the child. (A person is not an employee of the public agency because he/she is paid to serve as a hearing officer.) Reference: §300.507	☐	☐
15. The SOP maintains a list of persons serving as local hearing officers. Reference: §300.507(c)	☐	☐
16. The SOP maintains a statement of the qualifications of each person serving as a hearing officer. Reference: §300.507(c)	☐	☐
17. The SOP has developed written policies/procedures which insure that procedural safeguards are operative to protect the rights of handicapped children (Refer to Supplementary Worksheet B). Reference: §300.501	☐	☐

	YES	NO
18. The SOP has developed written policies/procedures for assigning an individual to act as a surrogate parent including:		
(a) the determination of a need for a surrogate parent;	☐	☐
(b) the actual assignment of a surrogate parent. Reference: §300.514(b)	☐	☐
19. The SOP has developed written policies/procedures to insure that surrogate parents meet the following qualifications:		
(a) be adults with no vested interest that would conflict with their primary allegiance to the child they represent;	☐	☐
(b) be thoroughly acquainted with the child's educational needs;	☐	☐
(c) possess an understanding of the cultural and linguistic background of the children they represent;	☐	☐
(d) not be an employee of the SOP/agency involved in the education or care of the child. Reference: §300.514(c)	☐	☐
20. The SOP maintains a registry of eligible persons to serve as surrogate parents. Reference: State Board of Education Regulations.	☐	☐
21. The SOP has developed written policies/procedures regarding the maintenance of confidentiality. (Refer to Supplementary Worksheet C.) Reference: §99.5 of Section 438 of General Provisions Act as amended by Public Law 93-380.	☐	☐
22. The SOP has developed written policies/procedures to insure, that to the maximum extent possible, handicapped children are educated in the least restrictive environment. (Refer to Supplementary Worksheet D.) Reference: §300.550-552, §300.227	☐	☐
THE FOLLOWING ITEMS ARE APPLICABLE ONLY IF THE SOP HAS PURCHASED EQUIPMENT AND/OR NON-CONSUMABLE MATERIALS WITH PUBLIC LAW 94-142 FUNDS:		
23. The SOP maintains records/lists which include the following information:		
(a) a description of the equipment, including manufacturer's model number, if any;	☐	☐
(b) an identification number, such as the manufacturer's serial number;	☐	☐
(c) identification of the grant under which the recipient acquired the equipment;	☐	☐
(d) the information needed to calculate the Federal share of the equipment;	☐	☐
(e) acquisition date and unit acquisition cost;	☐	☐
(f) location, use, and condition of the equipment and the date the information was reported;	☐	☐
(g) all pertinent information on the ultimate transfer, replacement, or disposition of the equipment. Reference: EDGAR §74.140(a)(1)-(7)	☐	☐
24. The SOP has written documentation (inventory form) that a physical inventory is conducted at least every two (2) years to verify the existence, current utilization, and continued need for equipment. Reference: EDGAR §74.140(b)	☐	☐
25. Equipment purchased by the SOP must be properly labeled/identified to indicate the date and financial resources for its purchase. Reference: EDGAR §74.131	☐	☐

PROGRAM ENTRY

Refer to pages 8-11 for the Program Entry requirements for State Operated Programs (SOPs). All items in this section are applicable to State Operated Programs in accordance with the criteria specified in each agency's **Educational Standards** or **Defined Minimum Program.**

Note: Items 1 and 6 are not applicable for SOPs whose **Educational Standards/Defined Minimum Program** include evaluative criteria/procedures which are different from those specified in the **Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped.**

INDIVIDUALIZED EDUCATION PROGRAMS

Refer to pages 12-14 for the IEP requirements for State Operated Programs. All items in this section (with the exception of Items 11-13) are applicable to SOPs.

COMMENTS:

SUPPLEMENTARY WORKSHEETS

Worksheet A.....Due Process Hearing

Worksheet B.....Procedural Safeguards

Worksheet C.....Confidentiality

Worksheet D.....Least Restrictive Environment

The purpose of the worksheets is to provide LEAs/SOPs with a detailed and itemized description of the specific policy components which should be addressed under each of the general policy areas referenced above. The worksheets are designed to assist LEAs/SOPs in the development of comprehensive policies/procedures and to enable the SEA monitoring team to conduct a thorough review of the policies established by LEAs/SOPs for the implementation of Public Law 94-142.

Supplementary Worksheet A

DUE PROCESS HEARING

The LEA has developed written policies/procedures for conducting impartial due process hearings which include the following:

	YES	NO
I. Hearing Initiated by LEA		
1. Parents are notified by registered/certified mail on the same day as the LEA files a request with the hearing officer.	☐	☐
2. The notice includes:		
(a) a copy of the original notice requesting permission for the proposed action;	☐	☐
(b) a statement that school files, reports and records pertaining to the child are available for inspection and copying;	☐	☐
(c) a description of all the rights regarding procedures at the hearing;	☐	☐
(d) a list of agencies in the community where free/low cost legal services are available;	☐	☐
(e) statement of parents' right to appeal the decision of the due process hearing.		
II. Hearings Initiated By Parents		
The LEA will submit the request to a hearing officer within ten (10) days* after receiving the request.	☐	☐
III. Prior to Hearing		
1. The hearing officer notifies parties five (5) days after receiving the request.	☐	☐
2. The notification of the hearing is provided at least twenty (20) days prior to the hearing.	☐	☐
3. The notice informs parties of their right to:		
(a) be accompanied and advised by counsel and by individuals with special knowledge or training;	☐	☐
(b) present evidence, confront, cross-examine, and compel the attendance of witnesses;	☐	☐
(c) prohibit the introduction of any evidence not disclosed to the other party at least five (5) days prior to the hearing;	☐	☐
(d) obtain written or electronic verbatim record of the hearing;	☐	☐
(e) have the child present during the hearing;	☐	☐
(f) open the hearing to the public;	☐	☐
(g) have the child remain in the present educational placement during pendency of the proceedings;	☐	☐
(h) place the child, with consent of parents, when proceedings involve initial admission to public school.	☐	☐
IV. During Hearing		
1. Final decision is reached within forty-five (45) days of the initial request and transmitted to all parties.	☐	☐
2. Hearing officer presides over hearing.	☐	☐
3. Verbatim record is made.	☐	☐
4. Interpreters provided, when necessary.	☐	☐
V. Decision		
1. Issued within five (5) days after hearing.	☐	☐
2. Issued in writing by hearing officer by registered/certified mail.	☐	☐

*The term **days**, hereafter, is defined as calendar days.

	YES	NO
3. Decision shall include findings of fact, conclusions, and reasons for these findings and conclusions.	☐	☐
4. Hearing officer shall make an independent decision based solely on evidence and testimony presented at the hearing.	☐	☐
5. Copy of verbatim record of hearing shall be provided upon request of parent.	☐	☐
6. The decision shall include a statement of both parties' rights to an appeal.	☐	☐
7. If either party disagrees with the decision following a due process hearing, an SEA appeal may be initiated within ten (10) days of receiving notice of the decision.	☐	☐
8. Decision of the hearing officer is binding on all parties (any action directed by the hearing officer will be initiated immediately unless an appeal is filed).		

COMMENTS:

	YES	NO
VI. **Qualifications of Hearing Officer**		
The LEA recruits local hearing officers who meet the following qualifications:		
1. A person serving as a hearing officer must be at least twenty-one (21) years of age and be a high school graduate or hold an equivalent credential.	☐	☐
2. A person serving as a hearing officer will be selected without regard to race, sex, creed or handicapping condition.	☐	☐
3. A person serving as a hearing officer must be unbiased toward any party involved in the hearing.	☐	☐
4. A person serving as a hearing officer must have no personal or professional interest which would conflict with his/her objectivity in the hearing.	☐	☐
5. A person serving as a hearing officer must not be an officer, agent, school board official, or an employee of a public agency (including the State Department of Education) which is involved in the education or care of the child. (A person is not an employee of the public agency because he/she is paid to serve as a hearing officer.)	☐	☐

Supplementary Worksheet B

PROCEDURAL SAFEGUARDS

	YES	NO
I. Notification		
The LEA/SOP has developed written policies/procedures for conducting impartial due process hearings which insure that:		
(a) notification to parents must be provided in the primary language of the home, unless it is clearly not feasible to do so;	☐	☐
(b) the LEA/SOP must provide for an interpreter, when appropriate.	☐	☐
II. Independent Educational Evaluation		
The LEA/SOP has developed policies/procedures relative to independent educational evaluations which provide that:		
(a) parents are informed of their right to obtain an independent evaluation;	☐	☐
(b) a list of places where a parent may obtain an independent evaluation will be provided upon request;	☐	☐
(c) when a parent requests an independent evaluation at public expense, the LEA/SOP may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to obtain an independent educational evaluation, but not at public expense;	☐	☐
(d) if the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the LEA/SOP in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a hearing regarding the child;	☐	☐
(e) if a hearing officer requests an independent evaluation as part of the hearing, the cost of the evaluation must be at public expense;	☐	☐
(f) whenever an independent evaluation is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the LEA/SOP uses when it initiates an evaluation.	☐	☐
III. Parental Consent		
The LEA/SOP has developed policies/procedures which insure that parental consent is obtained prior to:		
(a) conducting a preplacement evaluation;	☐	☐
(b) initial placement of a handicapped child in a program providing special education and related services;	☐	☐
(c) any change in educational placement following initial placement (with the exception of pupil dismissal, which requires parent notification and the opportunity for input into the decision).	☐	☐
IV. Procedures for Evaluation		
The LEA/SOP has developed policies/procedures relative to evaluation which address the following components:		
1. Notification to parents prior to conducting a preplacement evaluation must include:		
(a) the reasons for the requested evaluation and the name of the person who initiated the process;	☐	☐
(b) the proposed evaluation procedures;	☐	☐
(c) a statement that the evaluation will be completed and that the parents will be informed of the evaluation schedule;	☐	☐
(d) a description of the testing procedures and instruments to be utilized and the limitations of the instruments;	☐	☐

	YES	NO
(e) a description of how the findings of the evaluation will be used;	☐	☐
(f) a statement that the parents will be informed of the results of the evaluation;	☐	☐
(g) a description of all procedural safeguards available;	☐	☐
(h) a statement of the parents' right to refuse permission for the evaluation, with the understanding that the LEA/SOP can request a hearing to present its reasons and try to obtain approval to conduct the evaluation;	☐	☐
(i) an explanation of other rights pertaining to the evaluation process;	☐	☐
(j) a list of the sources whereby a parent may obtain free/low cost legal services;	☐	☐
(k) a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted;	☐	☐
(l) a statement of any other factors relevant to the proposed action.	☐	☐
2. Parents must be notified of the education schedule.	☐	☐
3. Following evaluation, the LEA/SOP shall notify the parents that the evaluation has been completed. The notice shall include the following:		
(a) the results of the evaluation and the educational implications;	☐	☐
(b) a statement of the parents' right to attend a meeting of the staffing/placement committee;	☐	☐
(c) a statement of the parents' right to refuse permission for placement, with the understanding that the LEA/SOP can request a due process hearing to present its reasons and try to obtain approval for placement;	☐	☐
(d) an explanation of other rights pertaining to the placement process;	☐	☐

	YES	NO
(e) a full description of all procedural safeguards available;	☐	☐
(f) a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted;	☐	☐
(g) a list of the sources whereby a parent may obtain free/low cost legal services;	☐	☐
(h) a statement of any other factors relevant to the proposed action.	☐	☐
4. When the LEA/SOP refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education to the child, a notice must be provided to parents which includes the following:		
(a) a description of the action refused by the LEA/SOP;	☐	☐
(b) an explanation of the reasons for refusing to carry out the requested action;	☐	☐
(c) a description of any options considered and the reasons for rejecting these options;	☐	☐
(d) a statement of the parents' right to request a due process hearing and a full description of the procedural safeguards available;	☐	☐
(e) a description of any factors relevant to the action.	☐	☐

V. **Procedures for Placement**

The LEA/SOP has developed policies/procedures relative to placement which address the following components:

1. Within thirty (30) days after determining a child's need for special education and related services, a meeting to formulate an individualized education program (IEP) must be conducted.	☐	☐
2. Prior to the IEP/staffing meeting the LEA/SOP must provide a notice to parents which:		

	YES	NO
(a) includes a statement of the parents' right to participate in the development of the IEP;	☐	☐
(b) indicates the purpose, time, date, location and the persons anticipated to be in attendance;	☐	☐
(c) provides the parents an opportunity to have the meeting rescheduled at a time, date or location reasonably convenient to the parents in the event the time, date or location of the meeting prohibits the parents' attendance;	☐	☐
(d) In cases where parents cannot attend, other methods such as individual or conference calls, home visits, etc., shall be employed to insure parent participation;	☐	☐
(e) a statement of the parents' right to obtain a copy of the IEP.	☐	☐
(f) a statement of any other factors relevant to the proposed action.	☐	☐
3. The LEA/SOP shall request parent permission for placement of the child.	☐	☐
4. When the LEA/SOP refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education to the child, a notice must be provided to parents which includes the following:		

COMMENTS:

	YES	NO
(a) a description of the action refused by the LEA/SOP;	☐	☐
(b) an explanation of the reasons for refusing to carry out the requested action;	☐	☐
(c) a description of any options considered and the reasons for rejecting these options;	☐	☐
(d) a statement of the parents' rights to request a due process hearing and a full description of the procedural safeguards available;	☐	☐
(e) a description of any other factors relevant to the action.	☐	☐

VI. **Procedures for Reevaluation**

The LEA/SOP has developed policies/procedures relative to reevaluation which address the following components:

1. The LEA/SOP shall notify parents prior to conducting a meeting to review the IEP and prior to reevaluating a pupil.	☐	☐
2. The notice shall be consistent with the contents and timelines for notification described in preceding sections on evaluation and placement.	☐	☐

Supplementary Worksheet C

CONFIDENTIALITY

I. **Access Rights**

	YES	NO
1. The LEA/SOP has developed policies/procedures which guarantee that parents/surrogates have full and free access to information collected and maintained by the LEA/SOP which include the following parent rights:		
(a) inspect and review any education records relating to their children;	☐	☐
(b) inspect and review only the information relating to their child or to be informed only of that specific information if any education record includes information on more than one child;	☐	☐
(c) have records made available by the public agency, upon written or oral request, without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation or placement of the child, and in no case, more than forty-five (45) days* after the request has been made;	☐	☐
(d) obtain copies of all records pertaining to their child from the public agency at a reasonable cost, or at no cost, if the fee would prohibit the parents from obtaining copies of these records;	☐	☐
(e) LEA/SOP may not charge a fee to search for or to retrieve the requested information;	☐	☐
(f) have a representative inspect and review records pertaining to their child, subject to the parents' providing written authorization;	☐	☐
(g) receive response from LEA/SOP to reasonable requests made by the parent/surrogate for explanations or interpretations of data pertaining to their children;	☐	☐
(h) challenge the accuracy or appropriateness of data pertaining to their children;	☐	☐
(i) authorize or deny, by virtue of informed consent, requests for inspection, review or usage of data for purposes or to parties other than those authorized by law;	☐	☐
(j) receive, upon specific request, (i) a list of names of persons to whom personally identifiable data has been released, (ii) an explanation of the specific type of data released, (iii) the purpose for which it was released, and (iv) the date of release;	☐	☐
(k) receive, upon specific request, the name of the designated person who is responsible for the collection and maintenance of personally identifiable data in the LEA/SOP;	☐	☐
(l) receive, upon specific request, a list of the types of data collected and the specific location thereof;	☐	☐
(m) receive, upon specific request, copies of printed policies and procedures developed to insure confidentiality.	☐	☐
2. The LEA/SOP has developed policies/procedures which relate to the disclosure (transmittal) of personally identifiable information to other LEAs/SOPs.	☐	☐
**3. If the LEA maintains policies/procedures which permit personally identifiable data to be disclosed (transmitted) between LEAs when the pupil transfers from one school system to another without parental consent, the LEA must provide that the parents be notified at their last known address, unless the transfer is initiated by parents, or the LEA includes a notice in its policies or procedures that educational records are forwarded upon request of the school in which the pupil seeks or intends to enroll.	☐	☐
**4. The LEA has developed policies/procedures which prohibit the disclosure (transmittal) of personally identifiable information regarding a pupil to a participating agency, without parental consent, except in emergency situations.	☐	☐

*The term **days**, hereafter, is defined as calendar days.
**Not applicable for SOPs.

	YES	NO
5. The LEA/SOP maintains records of parties obtaining access (except by authorized employees and parent(s)) to personally identifiable data which include:		
(a) the name of the party to whom personally identifiable data is disclosed;	☐	☐
(b) the specific data disclosed;	☐	☐
(c) the purpose for which data is disclosed;	☐	☐
(d) the date access was given.	☐	☐
II. Hearing Rights		
1. The LEA/SOP has developed policies/procedures which provide parents the right to request appropriate amendments to data which they believe is inaccurate, misleading, or violates the privacy of other rights.		
2. The LEA/SOP policies/procedures insure that following receipt of a formal request from parents for appropriate amendments to data, the LEA/SOP notifies parents within fifteen (15) days* of the disposition of the request. (The fifteen (15) day timeline is **not** applicable for SOPs.)	☐	☐
(a) When the parents' request is accepted, the appropriate amendments shall be made.	☐	☐
(b) When the request is denied, parents shall be informed of their right to request a hearing.	☐	☐
3. When the decision of the hearing officer is that the data is inaccurate, the appropriate amendments shall be made and the LEA/SOP will inform the parent in writing.	☐	☐
4. When the decision of the hearing officer is that the data is accurate, the LEA/SOP shall inform parents of their right to provide the LEA/SOP with a written statement of their reasons for disagreeing with the data.	☐	☐
(a) The statement shall be attached to the data and remain as long as the contested portion of the data is maintained.	☐	☐

	YES	NO
(b) Disclosure of the contested portion of the data to authorized persons, subsequently, shall include a copy of the parents' statement.	☐	☐
III. Safeguards		
The LEA/SOP has developed policies/procedures relative to the following safeguards:		
1. Training or instruction regarding state policies and procedures shall be provided to persons collecting or using personally identifiable data.	☐	☐
2. One official at the LEA/SOP shall be designated as the responsible person for insuring confidentiality.	☐	☐
3. The LEA/SOP shall maintain for public inspection a list of names and positions of those employees having access to personally identifiable data and a record of any other party permitted access.	☐	☐
IV. Destruction of Data		
The LEA/SOP has developed policies/procedures relative to destruction of data which include the following:		
1. The LEA/SOP shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child and apprise them of their right to have this information destroyed.	☐	☐
2. Personally identifiable information maintained on a handicapped child may be retained permanently, unless the parents request that it be destroyed.	☐	☐
3. Personally identifiable information must be destroyed at the request of parents (except that the student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation).	☐	☐
4. Forty-five (45) days prior to destruction of any personally identifiable information, the parents shall be notified that they have the right to request and be provided a copy of any data.	☐	☐

	YES	NO
V. Children's Rights		
The LEA/SOP has developed policies/procedures which insure that pupils, upon reaching the age of majority, shall have the same rights as the rights of parents, except in the case of a severely or profoundly handicapped child who is legally determined to be incompetent to make such decisions for himself, and for whom legal guardianship is required beyond the age of majority. In those instances, the legal guardian shall maintain the rights to privacy as outlined.	☐	☐

COMMENTS:

Supplementary Worksheet D

LEAST RESTRICTIVE ENVIRONMENT

The LEA/SOP has developed policies/procedures which insure that:

	YES	NO
1. each handicapped child's educational placement shall be individually determined on at least an annual basis;	☐	☐
2. to the extent necessary to implement the individualized education plan for each handicapped child in an applicable agency, the LEA/SOP must provide, or arrange for the provision of, all the following alternative settings: itinerant, resource room, self-contained, homebound, and residential institutions;	☐	☐
*3. except where a handicapped child's individualized education plan requires some other arrangement, the child shall be educated in the school which he/she would normally attend if not handicapped;	☐	☐
4. action must be taken to assure that the implementation of the least restrictive environment provision will not produce a harmful effect on the child or reduce the quality of services which he/she requires;	☐	☐
5. to the maximum extent appropriate, handicapped children in public or private institutions or other care facilities are educated with children who are not handicapped;	☐	☐
6. special classes, separate schooling or other removal from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily;	☐	☐
*7. when it is necessary for a child to receive an appropriate education other than in the school he or she would attend if not handicapped, the placement shall be as close as possible to the child's home;	☐	☐
8. each handicapped child shall participate in nonacademic and extracurricular activities to the maximum extent appropriate;	☐	☐
9. teachers and administrators in LEAs/SOPs are provided technical assistance and training referenced to least restrictive environment.	☐	☐

COMMENTS:

50

51

*Not applicable for SOPs.